

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Douglas Witthuhn,

Plaintiff,

v.

Civil No. 13-680 (JNE/JJK)  
ORDER

Nationstar Mortgage, LLC, Aurora Bank,  
FSB, Mortgage Electronic Registration  
Systems, Inc., MERSCORP, Inc., and all  
other persons unknown claiming any right,  
title, estate, interest, or lien in the real estate  
described in the complaint herein,

Defendants.

In a Report and Recommendation dated August 8, 2014, the Honorable Jeffrey J. Keyes, United States Magistrate Judge, recommended that Nationstar Mortgage, LLC's motion for summary judgment or, in the alternative, to dismiss for failure to prosecute be granted to the extent Nationstar Mortgage seeks dismissal for failure to prosecute; and that Plaintiff's remaining claim be dismissed with prejudice.<sup>1</sup> Plaintiff did not object. Having conducted a de novo review of the record, the Court adopts the Report and Recommendation [Docket No. 69]. *See* D. Minn. LR 72.2(b).

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. Nationstar Mortgage's motion for summary judgment or, in the alternative, to dismiss for failure to prosecute [Docket No. 52] is GRANTED to the extent Nationstar Mortgage seeks dismissal for failure to prosecute.

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<sup>1</sup> In June 2013, the Court granted in part and denied in part Defendants' motion to dismiss.

2. This action is DISMISSED WITH PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 26, 2014

s/Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge